



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 14/07/2020

PRESENT

The Hon'ble Mr. Justice V. BHARATHIDASAN
CRL OP (MD) . No.7341 of 2020

Azharudeen @ Mohammed Azharudeen

... Petitioner/Accused

Vs

State through
The Inspector of Police,
Thazhaimuthu Nagar Police Station,
Thoothukudi District.
Crime No.194 of 2020.

... Respondent/Complainant

For Petitioner : Mr.C.Susi Kumar,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

For Intervener : Mr.V.Malaiyendhiran
Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail In Crime No.194 of 2020 on the file of
the respondent police

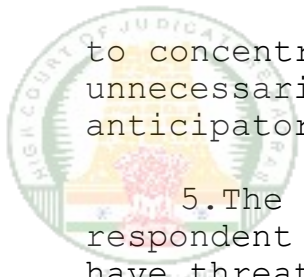
ORDER : The Court made the following order :-

The petitioner, who is arrayed as A2, apprehending arrest at
the hands of the respondent police for the offences punishable under
sections 294(b) and 506(ii) of IPC and Section 4 of Tamil Nadu
Prohibition of Harassment of Women Act, 2002, in Crime No.194 of
2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is A2 and
uncle of A1. In a previous case, A1 fell in love with the defacto
complainant and thereafter he refused to marry her and thereby the
defacto complainant lodged earlier complaint against A1 for the
offence under Section 376 of IPC. Thereafter, the petitioner and A1
were said to have threatened the defacto complainant to withdraw the
earlier complaint. Hence, the present complaint.

3.Heard the learned counsel appearing for the petitioner and
the learned Government Advocate (Crl. Side) appearing for the
respondent.

4.The learned counsel appearing for the petitioner submitted
that the petitioner has not committed any offence as alleged by the
prosecution and he has been falsely implicated in this case. The
petitioner is only uncle of A1. He further submitted that the
defacto complainant sought for help to the petitioner for her love
with A1 and the same was refused by the petitioner and advised her



to concentrate in her studies. Due to which, the defacto complainant unnecessarily roped in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner and A1 were said to have threatened the defacto complainant.

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6.Considering the facts and circumstances of the case and considering the fact that the petitioner is the uncle of A1 only and the allegation against the petitioner is that he has threatened the defacto complainant, I am inclined to grant anticipatory bail to the petitioner on condition that the petitioner should not threaten the defacto complainant and indulge in any further activity against the defacto complainant in future.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.II, Tuticorin, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police as and when required for interrogation.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(f)if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

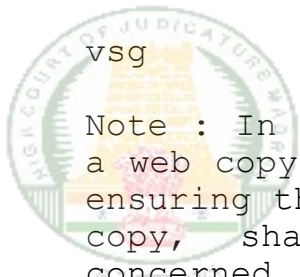
sd/-

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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TO

1. The Judicial Magistrate Court No.II, Tuticorin.
2. -Do- Through The Chief Judicial Magistrate,
Tuticorin District.
3. The Inspector of Police,
Thazhaimuthu Nagar Police Station,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.7341 of 2020

Date : 14/07/2020

VB SKN SAR 2 (15.07.2020) 3P 5C